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FILED  
BILLINGS DIV.

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PATRICK L. DUFFY, CLERK

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**ATTORNEY FOR DEFENDANT/MOVANT**  
**MARION HUNGERFORD**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BILLINGS DIVISION**

<b>UNITED STATES OF AMERICA,</b>	<b>CV 08-69-BLG-RFC</b>
<b>Plaintiff,</b>	<b>CR 03-74-BLG-RFC</b>
<b>vs.</b>	<b><u>SETTLEMENT AGREEMENT</u></b>
<b>MARION HUNGERFORD,</b>	
<b>Defendant.</b>	

**The United States, through James E. Seykora, Assistant U.S.**  
**Attorney, and the defendant, Marion Hungerford, through her counsel,**

mt  
9-27-2010

Daniel Wilson, stipulate and agree as follows:

MH

1. Pending before this court is a challenge by Marion

Hungerford pursuant to 28 U.S.C. § 2255 that she received ineffective assistance of counsel.

MH

2. Both the United States and the defendant agree that to insure finality in this case, an agreed upon resolution is appropriate.

MH

3. By entering into this agreement, the United States of America is not admitting the merits of the motion filed under 28 U.S.C. § 2255 in this matter.

MH

4. By entering into this agreement Marion Hungerford is not admitting guilt to any of the counts of conviction, including Counts VIII and IX, nor is she admitting to any wrongdoing as alleged by the United States in the underlying criminal case.

Wherefore, the parties agree as follows:

MH

- (a) The parties will file a joint motion to reopen criminal case number CR 03-74-BLG-RFC.

MH

- (b) Upon this Court granting said motion, the United States will move the court to dismiss with prejudice all counts of conviction except Counts VIII and IX.

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9-27-10

MH (c) Upon the Court granting the government's motion to dismiss, the defendant will immediately move this court to dismiss with prejudice her 2255 action in CV 08-69-BLG-RFC.

MH (d) Upon dismissal of the 2255 petition, this court will modify the original judgment to reflect a total sentence of **93 months**. The sentence for Count VIII will be **33 months** based upon a guideline range of a Level 20, Criminal History Category I, with a range of 33 to 41 months. The sentence for Count IX (the 924(c) conviction) will be **60 months** consecutive to Count VIII.

MH (e) The defendant, Marion Hungerford, also agrees that the supervised release of five years on Count VIII and three years on Count IX should be consecutive for a total of eight years supervised release.

MH (f) The defendant, Marion Hungerford, further waives any and all appeal rights including any and all claims of ineffective assistance of counsel as to this and past proceedings.

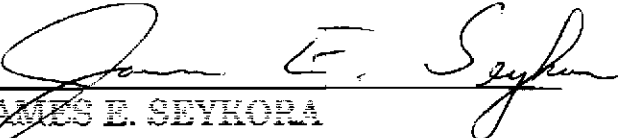
MH (g) The defendant, Marion Hungerford, and her representative(s) agree(s) not to request or seek any information under the Freedom of Information Act, 5 U.S.C. § 522(a).

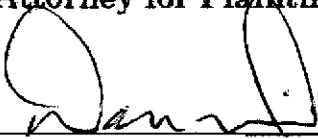
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MH (b) The parties agree that since the final result would be a modification of sentence and judgment and not a re-sentencing, the defendant's presence in court is not necessary and is hereby waived by the defendant, Marion Hungerford.

Dated this 27 day of September, 2010.

MICHAEL W. COTTER  
United States Attorney

  
JAMES E. SEYKORA  
Assistant U.S. Attorney  
Attorney for Plaintiff

  
DANIEL WILSON  
Attorney for Defendant  
Marion Hungerford

MARION HUNGERFORD  
MARION HUNGERFORD  
Defendant

MH  
9-27-10